

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3034

To provide Federal penalties for drive-by shootings.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1993

Mr. GALLEGLY introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To provide Federal penalties for drive-by shootings.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drive-By Shooting  
5 Prevention Act of 1993”.

6 **SEC. 2. NEW OFFENSE FOR THE INDISCRIMINATE USE OF**

7 **WEAPONS TO FURTHER DRUG CONSPIR-**

8 **ACIES.**

9 (a) IN GENERAL.—Chapter 2 of title 18, United  
10 States Code, is amended by adding at the end thereof the  
11 following new section:

1 **“§ 36. Drive-by shooting**

2 “(a) OFFENSE AND PENALTIES.—

3 “(1) Whoever—

4 “(1) in furtherance or to escape detection  
5 of a major drug offense listed in subsection (b);

6 “(2) whether or not in furtherance of  
7 criminal gang activities; and

8 “(3) with the intent to intimidate, harass,  
9 injure, or maim;

10 fires a weapon into a group of two or more persons  
11 and thereby causes grave risk to any human life  
12 shall be punished by a term of no more than 25  
13 years, or by fine as provided under this title, or  
14 both.

15 “(2) Whoever, in furtherance or to escape de-  
16 tection of a major drug offense listed in subsection  
17 (b) and, with the intent to intimidate, harass, injure,  
18 or maim, fires a weapon into a group of two or more  
19 persons and who, in the course of such conduct, kills  
20 any person shall, if the killing—

21 “(A) is a first degree murder as defined in  
22 section 1111(a) of this title, be punished by  
23 death or imprisonment for any term of years or  
24 for life, fined under this title, or both; or

25 “(B) is a murder other than a first degree  
26 murder as defined in section 1111(a) of this

1 title, be fined under this title, imprisoned for  
2 any term of years or for life, or both.

3 “(b) MAJOR DRUG OFFENSE DEFINED.—A major  
4 drug offense within the meaning of subsection (a) is one  
5 of the following:

6 “(1) a continuing criminal enterprise, punish-  
7 able under section 403(c) of the Controlled Sub-  
8 stances Act (21 U.S.C. 848(c));

9 “(2) a conspiracy to distribute controlled sub-  
10 stances punishable under section 406 of the Con-  
11 trolled Substances Act (21 U.S.C. 846) or punish-  
12 able under section 1013 of the Controlled Sub-  
13 stances Import and Export Control Act (21 U.S.C.  
14 963); or

15 “(3) an offense involving major quantities of  
16 drugs and punishable under section 401(b)(1)(A) of  
17 the Controlled Substances Act (21 U.S.C.  
18 841(b)(1)(A)) or section 1010(b)(1) of the Con-  
19 trolled Substances Import and Export Act (21  
20 U.S.C. 960(b)(1)).”.

21 (b) TABLE OF SECTIONS.—The table of sections for  
22 chapter 2 of title 18, United States Code, is amended by  
23 adding at the end thereof the following:

“36. Drive-by shooting.”.

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